

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §  
§  
*Plaintiff*, §  
§  
v. § CASE NO. 7:18-CV-315  
§  
2.64 ACRES OF LAND, MORE OR LESS, §  
SITUATE IN HIDALGO COUNTY, §  
STATE OF TEXAS; AND CITY OF §  
MISSION, TEXAS, A TEXAS §  
MUNICIPAL CORPORATION, §  
§  
*Defendants.* §

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**COMPLAINT IN CONDEMNATION**

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1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule "G."

8. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: *s/ Megan Eyes*  
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And

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Attorney for Plaintiff

# **SCHEDULE**

# **A**

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# **SCHEDULE**

# **B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# **SCHEDULE**

# **C**

**SCHEDULE C**

**LEGAL DESCRIPTION**

Hidalgo County, Texas

Tract: RGV-MCS-2213

Owner: City of Mission, Texas, a Texas Municipal Corporation

Acres: 2.64

BEING a 2.64 acre tract of land situated in Porcion No. 56, Hidalgo County Texas and being part of a 35.81 acre tract of land, as recorded in Volume 1214, Page 1014, Deed Records, Hidalgo County, Texas (D.R.H.C.T.), said tract of land also being a part of a tract of land described in deed to Hunt Valley Industrial I. L.P., as recorded in County Clerk's Document No. 1153789, D.R.H.C.T., said tract of land being more particularly described as follows:

BEGINNING at common southwest corner of the herein described tract and said 35.81 acre tract;

THENCE North 14 degrees 12 minutes 10 seconds West, with the west boundary line of said 35.81 acre tract of land, a distance of 88.35 feet to a point for corner of the herein described tract;

THENCE North 15 degrees 10 minutes 00 seconds West, continuing with said west boundary line, a distance of 814.25 feet to a point for a corner of the herein described tract;

THENCE North 74 degrees 50 minutes 00 seconds East, continuing with said west boundary line, a distance of 40.04 feet to a point for a corner of the herein described tract;

THENCE North 15 degrees 01 minute 30 seconds West, continuing with said west boundary line, a distance of 140.00 feet to a point for a corner of the herein described tract;

THENCE North 02 degrees 02 minutes 30 seconds East, continuing along said west boundary line, a distance of 99.20 feet to a point for the northwest corner of the herein described tract on the north boundary line of said 35.81 acre tract of land, said corner also being the south boundary line of Riverside Subdivision "A", as shown on the recorded plat in Volume 1, Page 56, Hidalgo County Map Records;

THENCE North 59 degrees 45 minutes 30 seconds East, with the north boundary line of said 35.81 acre tract, a distance of 42.30 feet to a point for the northeast corner of the herein described tract and being located on the southwest line of Granjeno Canal, as recorded in Volume 752, Page 342, H.C.D.R.;

THENCE South 15 degrees 05 minutes 00 seconds East departing from the north boundary line of said 35.81 acre tract and with the southwest line of Granjeno Canal, a distance of 1,157.97 feet to a point for the southeast corner of the herein described tract and being located on the south boundary line of said 35.81 acre tract;

THENCE South 79 degrees 49 minutes 00 seconds West, with the said boundary line, a distance of 110.80 feet to the POINT OF BEGINNING AND CONTAINING 2.64 acres of land, more or less

# **SCHEDULE**

# **D**

**SCHEDULE D**

### MAP or PLAT



## LAND TO BE CONDEMNED

Tract: RGV-MCS-2213

Owner: City of Mission, Texas, a Texas Municipal Corporation

Acreage: 2.64

\* The case caption identifies acreage for the entire parent tract; access to the entire parent tract may be necessary to complete a survey of the proposed tract outlined in red on the map above.

# **SCHEDULE**

# **E**

**SCHEDULE E**

**ESTATE TAKEN**

Hidalgo County, Texas

Tract: RGV-MCS-2213

Owner: City of Mission, Texas, a Texas Municipal Corporation

Acres: 2.64

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 12 months later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule C to survey, make borings, and conduct other investigatory work for the purposes described in Schedule B and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

# **SCHEDULE**

# **G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
<b>City of Mission, Texas, a Texas Municipal Corporation 1201 E 8<sup>th</sup> Street Mission, Texas 78572-5812</b>	RGV-MCS-2213 July 20, 2011 – Quitclaim Deed – Document # 2011-2224163; Deed Records of Hidalgo County

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<b>I. (a) PLAINTIFFS</b> United States of America		<b>DEFENDANTS</b> 2.64 Acres of Land, More or Less, Situate in Hidalgo County, State of Texas; and City of Mission, Texas, A Texas Municipal Corporation,													
<b>(b) County of Residence of First Listed Plaintiff</b> _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant <b>Hidalgo</b> <i>(IN U.S. PLAINTIFF CASES ONLY)</i>													
<b>(c) Attorneys (Firm Name, Address, and Telephone Number)</b> Megan Eyes, United States Attorney's Office, SDTX, 1701 West Bus. Hwy. 83, Ste. 600, McAllen, TX 78501		Attorneys <i>(If Known)</i> Abiel Flores, City of Mission Attorney 1201 E. 8th Street Mission, Texas 78572-5812													
<b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i>		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i>													
<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	Citizen of This State	<input type="checkbox"/> PTF 1 <input type="checkbox"/> DEF 1 Incorporated or Principal Place of Business In This State												
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	Citizen of Another State	<input type="checkbox"/> PTF 2 <input type="checkbox"/> DEF 2 Incorporated and Principal Place of Business In Another State												
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> PTF 3 <input type="checkbox"/> DEF 3 Foreign Nation												
<b>IV. NATURE OF SUIT</b> <i>(Place an "X" in One Box Only)</i>		Click here for: Nature of Suit Code Descriptions.													
<b>CONTRACT</b>		<b>TORTS</b>													
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability		<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other		<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157		<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark					
<b>REAL PROPERTY</b>		<b>CIVIL RIGHTS</b>								<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))		<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609		<b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	
<input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/ Disabilities - Employment <input type="checkbox"/> 446 Amer. w/ Disabilities - Other <input type="checkbox"/> 448 Education		<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement											
<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court		<input type="checkbox"/> 3 Remanded from Appellate Court		<input type="checkbox"/> 4 Reinstated or Reopened		<input type="checkbox"/> 5 Transferred from Another District (specify)		<input type="checkbox"/> 6 Multidistrict Litigation - Transfer		<input type="checkbox"/> 8 Multidistrict Litigation - Direct File					
<b>VI. CAUSE OF ACTION</b>		Cite the U.S. Civil Statute under which you are filing <i>(Do not cite jurisdictional statutes unless diversity)</i> : <b>28 U.S.C. 1358</b> Brief description of cause: <b>Land Condemnation proceeding for Right of Entry (ROE) to Survey and Conduct Testing</b>													
<b>VII. REQUESTED IN COMPLAINT:</b>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.		<b>DEMAND \$</b>		CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
<b>VIII. RELATED CASE(S) IF ANY</b>		<i>(See instructions):</i>		JUDGE _____		DOCKET NUMBER _____									
DATE	10-12-18														
FOR OFFICE USE ONLY															
RECEIPT #	AMOUNT	APPLYING IFP		JUDGE		MAG. JUDGE									
SIGNATURE OF ATTORNEY OF RECORD <i>Unmegajes</i>															